



**Connecticut
Light & Power**

The Northeast Utilities System



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**TESTIMONY OF RICHARD A. SODERMAN
THE CONNECTICUT LIGHT AND POWER COMPANY
and YANKEE GAS SERVICES COMPANY
Energy and Technology Committee—Feb. 3, 2011**

H.B. No. 6250 - *AN ACT CONCERNING THE SITING COUNCIL*

Good afternoon. My name is Richard Soderman, and I am Director of Legislative Policy for Northeast Utilities, appearing on behalf of the Connecticut Light and Power Company and Yankee Gas Services. Thank you for the opportunity to comment on the bill before you.

This bill would add to the considerations the Siting Council must make before issuing a certificate of public need. As drafted, CL&P opposes this bill because it will make the process of siting critical infrastructure more difficult without any demonstrated benefit.

Section 1 of the proposed bill forbids the location of a telecommunications tower within 750 feet from a school, day care center, place of worship, or private residence, unless there are no technically, legally, environmentally and economically feasible alternative sites that are further away. It is not clear from the bill the rationale for this restriction. There is no basis for indiscriminately forbidding telecommunications towers to be located near these facilities. Any argument based on electromagnetic fields is simply not scientifically supportable. In addition, this section requires the Siting Council to consider the manufacturer's recommended safety standards for equipment, machinery, or technology in deciding whether or not to grant an applicant a certificate. If this provision were to be applied to transmission lines and substations, such certification may not be possible in a Siting Council decision. In many and perhaps most cases, we will not know who the manufacturer will be until after Siting Council approval has been obtained and the job is put out for bid. Further, Siting Council proceedings would become unnecessarily protracted. Electric utilities' compliance with the National Electric Safety Code should be enough to assure that safety is adequately considered.

This section also provides for penalties for omissions or misrepresentations in the course of a Siting Council proceeding. Under this legislation, the Siting Council can authorize the Attorney General to bring an action for a \$10,000 penalty, attorney's fees and related costs in such instances. A Siting Council application could contain thousands of factual statements, and will inevitably include some that need to be – and are – corrected as the proceeding goes on. Similarly, we always find it necessary to file corrections of some things in the testimony. There should be no liability for factual contentions that have evidentiary support and are made in good faith, even if they ultimately turn out to be incorrect.

Sections 3 and 4 address certificates of public need and environmental compatibility as they apply



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to fuel cells. These provisions appeared in HB 5213 in the 2010 session, which was approved by the Energy and Technology Committee, but did not pass. At that time, the Office of Legislative Research commented on this provision as follows: (Contradictory Provisions on Fuel Cells) "Section 3 of the bill exempts fuel cells owned by certain entities with a generating capacity of 1 megawatt or more and those that use natural gas at a pressure above 150 pounds per square inch (approximately nine times atmospheric pressure) from the requirement that they obtain a certificate from the council. It does this by excluding them from the definition of "facility," which are the technologies over which the council has jurisdiction. In contrast, section 4 requires certificates for all fuel cells meeting these criteria regardless of ownership..." The same contradictory provisions are proposed again here in H.B. 6250.

Section 5 elaborates on the current municipal consultation process to provide that: (1) the applicant must provide "a map indicating the area of need"; (2) that the municipality may make "recommendations concerning site selection;" and (3) if it does, "the Siting Council shall consider such proposal in conjunction with the application as part of its regular approval process." This provision is not necessary. Municipalities already have the power to make an alternative recommendation to the Siting Council.

Thank you for the opportunity to present testimony on this bill.